

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JAMES BAKER, et al.,	:	CIVIL ACTION
	:	
v.	:	
	:	
SAM FENTON, et al.	:	NO. 07-4081

MEMORANDUM and ORDER

This is a civil rights case in which a jury returned a Verdict for the Defendants. The Defendants timely moved for the assessment of costs before the Clerk, who issued a lengthy and highly detailed memorandum taxing costs dated November 9, 2009. Plaintiffs have untimely appealed, and the Court will reject their appeal. In part, Plaintiffs rely on state law for their appeal which is not applicable and not binding, as the costs in a federal case are taxed pursuant to the Federal Rules of Civil Procedure and applicable federal statutory principles. Even though this is a civil rights case, the claims of the Plaintiffs were rejected by the jury, and the Defendants should not have to bear the costs of defending this action. Plaintiff does not show that the Clerk made any legal or factual error or that there is any reason to overturn the Clerk's taxation, which followed settled legal principles.

AND NOW, this 24th day of JUNE, 2010, upon consideration of the Plaintiffs' appeal of the Clerk's determination to tax costs against Plaintiffs and Defendants' reply thereto, it is hereby

ORDERED that the taxation of costs against Plaintiffs is **AFFIRMED**.

BY THE COURT:

/s/ Michael M. Baylson

June 24, 2010
Date

Michael M. Baylson, U.S.D.J.